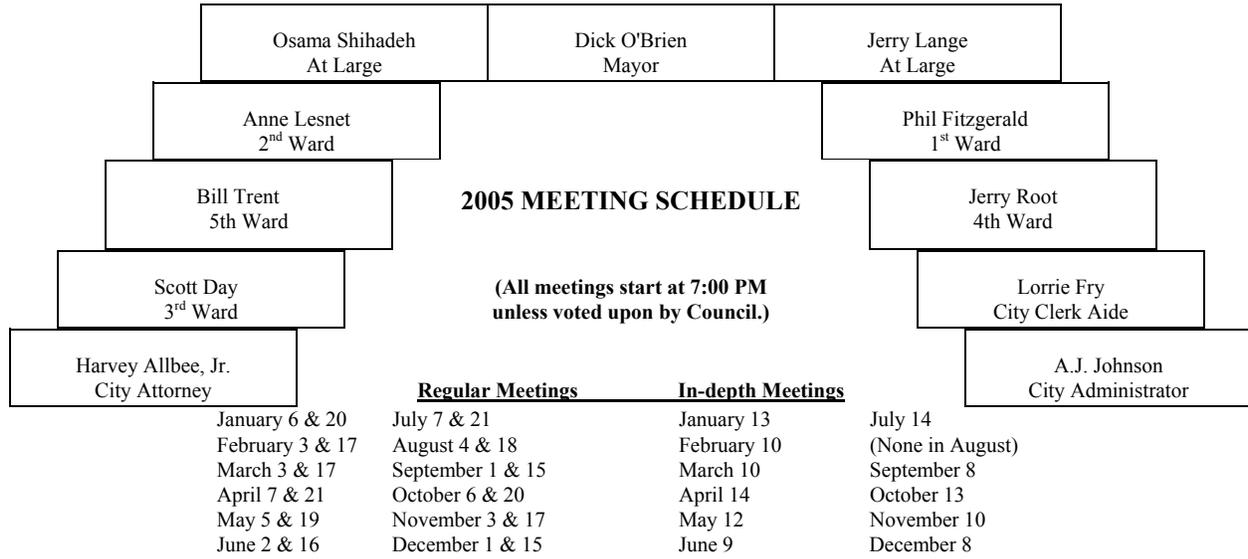


MUSCATINE CITY COUNCIL



AGENDA

**THURSDAY, MARCH 3, 2005, 7:00 P.M.
COUNCIL CHAMBERS - CITY HALL**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS - CITIZENS**
6. **MINUTES - APPROVAL**
 - A. Regular City Council Meeting – February 17, 2005
 - B. Special City Council Meeting – February 16, 2005
7. **CONSENT AGENDA**

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen

so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence from the Agenda.

- * 9 – A-G
- * 13 – A-G
- * Bills*

* Approval of attached Bills for Approval totaling \$699,310.91 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Amendment of Fiscal Year 2004/2005 City Budget

Previously the City Council took action to set a public hearing concerning the proposed amendment to the city’s budget for fiscal year 2004/2005. The proposed amendment takes into consideration changes in both revenues and expenditures for the current fiscal year that the city is operating in. The city reviewed the proposed amendments during its recent budget review session and will make another amendment toward the end of the fiscal year as well.

Now is the time for the public to comment on the proposed amendment of the fiscal year 2004/2005 city budget.

B. Proposed City Budget for Fiscal Year 2005/2006

Previously the City Council took action to establish a public hearing for the proposed city budget for the fiscal year July 1, 2005 through June 30, 2006. The proposed budget that was subject to extensive review by the City Council and public during the month of February reflects a 2.43% increase in the total tax levy rate that will reflect a tax revenue increase of 6.4%. General Fund revenues are estimated at \$13,902,997 compared with anticipated expenditures of \$12,558,443. In addition, various enterprise activities will be adjusted to reflect increases in expenditures and revenues within those areas as well. In accordance with state statute, a public hearing must be held before final adoption of the operating fiscal year budget for the city which needs to be certified to the county no later than March 15 of this year.

Now is the time for the public to comment on the proposed city budget for fiscal year 2005/2006.

C. Proposed Zoning Change

Previously the City Council took action to establish a public hearing on a proposed zoning change within the City of Muscatine. The proposed zoning change involves the recently annexed 32.141 acres of real estate known as the “River’s Edge Industrial Park”. Prior to the voluntary annexation, the city, through a pre-annexation agreement, agreed to establish appropriate zoning that would mirror the current county zoning designation for this property

that will allow for light industrial activity. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on the proposed rezoning within the City of Muscatine.

D. Proposed Rehabilitation of Hershey Avenue and Mad Creek Pumping Stations

Previously the City Council took action to establish a public hearing on the proposed improvements to the Hershey Avenue and Mad Creek pumping stations. Included in this work will be modifications to the Papoose Creek and Canon Avenue lift stations as well. The plans and specifications have been on file with the City Clerk's office and are available after the fact as well. The City of Muscatine is working with Stanley Consultants on these improvements.

Now is the time for the public to comment on the proposed rehabilitation of the Hershey Avenue and Mad Creek pumping stations.

E. Proposed Sale of City Property

Previously the City Council took action to establish a public hearing on the proposed sale of city property. The property in question is a city park known as Lincolnshire Village City Park consisting of approximately 1.65 acres located at the southeasterly corner of 2nd Avenue and Cleveland Street. The city has determined that it no longer has a use for this property and wishes to offer it up for sale. Prior to any formal action being taken by Council to offer said property for sale, a public hearing is required.

Now is the time for the public to comment on the proposed sale of city property.

9. PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Diamond Dave's Taco Co., 2608 2nd Avenue – South of the Border Inc. (pending receipt of dram shop insurance)
- B. Request for renewal of a Class C Beer and Sunday Sales Permit for Kum & Go #437, 709 Grandview Avenue – Kum & Go, LLC
- C. Request for renewal of a Class C Beer and Sunday Sales Permit for Kum & Go #438, 1010 Park Avenue – Kum & Go, LLC
- D. Request for renewal of a Class C Beer and Sunday Sales Permit for Kum & Go #436, 501 Cedar Street – Kum & Go, LLC
- E. Request for renewal of a Class C Beer and Sunday Sales Permit for Loos Station, 711 Park Avenue – Loos Inc.

- F. Request for renewal of a Class C Beer and Sunday Sales Permit for Steamboat Landing, 3509 Steamboat Way – Steamboat Landing, LLC
- G. Request for a new Class E Liquor License and Class B Wine Permit for DrugTown, 510 E. 6th Street – Hy-Vee Inc.
- H. Request Approval to Use Soccer Facility for Rugby Match

The City of Muscatine has received a request from the Muscatine Rugby Club to use fields at the Muscatine soccer facility for matches to be played on March 26, 2005 and during the weekend of April 16-17, 2005. The exact times and field dimensions have yet to be announced. The first request would be in association with a “practice game” in preparation for tournament play to be held April 16-17, 2005. It is the hope of the club that they will be allowed to play on the large premiere fields. There will be four teams with two games on each day. Each game will last approximately 90 minutes.

At this time City Council could consider the request from the Muscatine Rugby Club for use of the soccer facilities for matches on March 26, 2005 and the weekend of April 16-17, 2005.

- I. Request Approval for Fireworks Display

The city has received a request from the Legends Family Fun Center to conduct fireworks on Sunday, May 29, 2005. The display will be in conjunction with the Memorial Day celebration. A rain date of Monday, May 30, 2005, is being requested in the event of inclement weather.

At this time City Council could take action to approve the request from the Legends Family Fun Center for the fireworks display to be held on Sunday, May 29, 2005, with a rain date of May 30, 2005.

- J. Request Authorization to Revoke Dance Permit

Presented for City Council’s consideration is a request for the revocation of a dance permit for “Fiesta Inc.” that is doing business at 1919 Grandview Avenue in Muscatine. The city has received numerous noise complaints generating from this facility and the owners/operators have been cited for violation of the city’s current noise ordinance. City staff members have met with the owners/operators of the facility to explain the ordinance and the ramifications of continued violation of said ordinance. Given what appears to be the continued disregard for the city’s noise ordinance and for the “peace and quiet” of the surrounding neighborhoods, it is being recommended that the dance permit for Fiesta Inc. be revoked at this time.

At this time City Council could take action on staff's request for the revocation of a dance permit for Fiesta Inc.

10. FROM THE MAYOR

A. Proclamation Declaring March as "Red Cross Month"

The above proclamation has been submitted for City Council's consideration and approval.

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

A. First Reading of an Ordinance Amending the Zoning Ordinance of the City of Muscatine

Presented for City Council's consideration is the first reading of an ordinance amending the zoning ordinance of the City of Muscatine. Previously a public hearing was held to receive public comment on the proposed zoning change within the City of Muscatine. The proposed zoning change involves 32.141 acres of real estate recently annexed into the City of Muscatine. The current county zoning is I-1 (light industrial) and would be changed to the city's zoning classification of M-1 (light industrial). The city's Planning & Zoning Commission has reviewed and approved this request and this is a condition assigned to the property through a pre-annexation agreement between the City of Muscatine and Gary Karkosh, developer of the property.

At this time City Council could take action on the first reading of an ordinance amending the zoning ordinance of the City of Muscatine.

B. Resolution Approving the Amendment of the Fiscal Year 2004/2005 City Budget

Presented for City Council's consideration is a resolution approving the amendment to the fiscal year 2004/2005 city budget. Previously a public hearing was held to receive public comment on the proposed changes for the fiscal year 2004/2005 city budget. The City Council reviewed proposed amendments to the current fiscal year budget during their February budget review sessions. The Council will also have an opportunity at the end of the fiscal year to make final amendments to the current fiscal year budget.

At this time City Council could take action by resolution amending the fiscal year 2004/2005 city budget.

C. Resolution Approving the City Budget for Fiscal Year 2005/2006

Presented for City Council's consideration is a resolution approving the city budget for fiscal year 2005/2006. Previously a public hearing was held to receive public comment on the proposed fiscal year budget beginning July 1, 2005 and ending June 30, 2006. The proposed

budget was reviewed extensively by staff and City Council during the month of February and at this time is being presented for formal adoption. The budget reflects a tax levy increase of 2.43%. In accordance with State Code, the budget must be subject to a public hearing and final adoption by the governing body no later than March 15 of each year.

At this time City Council could take action by resolution approving the annual city budget for the fiscal year ending June 30, 2006.

D. Resolution Approving the Plans, Specifications, Form of Contract and Setting the Bid Opening Date for the Rehabilitation of the Hershey Avenue and Mad Creek Pumping Stations

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract and setting the bid opening date for the rehabilitation of the Hershey Avenue and Mad Creek sanitary pump stations. Previously a public hearing was held to receive public comment on the proposed improvement project. Included in the scope of work will be rehabilitation work within the Papoose Creek and Canon Avenue lift stations as well. The project scope and bid specifications are on file in the City Clerk's office and available for public view.

At this time City Council could take action by resolution approving the plans, specifications, form of contract and setting the bid opening date for the rehabilitation of the Mad Creek and Hershey Avenue sanitary pumping stations for Thursday, April 12, 2005, at 10:00 a.m.

E. Request Approval of Change Order #3 for the Riverfront Pearl Project

Presented for City Council's consideration is a request to approve Change Order #3 for the Riverfront Pearl Project. This change order results in an increase of \$17,159.88 in the contract. Change Order #3 consists of several items that include two items which required the change order to be increased by \$17,159.88. The largest single cost contained with the change order is a concrete sidewalk at the Riverview Center in the amount of \$10,295. Incorporating Change Order #3, the project is still below the estimated total project cost by approximately \$100,000.

At this time City Council could take action to approve Change Order # for the Riverfront Pearl Project in the amount of \$17,159.88.

F. Request Approval of Landscaping Bid for the Municipal Airport

Presented for City Council's consideration is a request to approve the landscaping bid for the municipal airport. As part of the overall municipal airport improvements, separate proposals for landscaping were received by the City of Muscatine. In total four vendors submitted five proposals for consideration by staff. After a review of the proposals submitted, it is recommended the proposal from Kellor & Kellor Landscaping of Muscatine be approved. This proposal has been reviewed and endorsed by the Airport Advisory Commission as well. The proposal submitted by Kellor & Kellor would be in an amount not to exceed \$30,000.

Included would be the appropriate trees, shrubs, landscaping, and an irrigation system. The landscaping plan also includes the placement of three flagpoles and will incorporate the recently approved airport sign.

At this time City Council could take action to approve the landscaping plan submitted by Kellor & Kellor for the municipal airport in an amount not to exceed \$30,000.

G. Request Authorization to Submit Grant Application to the Carver Trust

Presented for City Council's consideration is a request for authorization to submit a grant application to the Carver Trust. The grant application in the amount of \$100,000 will be submitted to the Carver Trust for consideration for funding the second phase of the Pearl of the Mississippi Project. The second phase will include work to be done between the Riverview Center and the current boat ramps. It will include landscaping as well as an interactive water feature. The estimated cost of the project is approximately \$1 million and it is hoped that \$800,000 will be raised from non-city sources with a commitment of \$200,000 from the city being necessary to move the project forward.

At this time City Council could take action to authorize the submission of a grant application to the Carver Trust for the second phase of the Pearl of the Mississippi Project.

H. Request Authorization to Purchase Garbage Truck

Presented for City Council's consideration is a request for authorization to purchase a garbage truck. Included in this fiscal year budget are monies to replace a refuse collection truck. Bids were received on February 16, 2005 and were opened for a truck chassis and collection bodies. Eleven truck chassis vendors were solicited with only one bid being received from Truck Country for a Sterling L 8500 truck chassis for \$64,090. Three bids were received from packer body vendors with the low bid being that of Elliott Equipment Company in the amount of \$25,277. The total purchase price for the vehicle will be \$89,367.

At this time City Council could take action to authorize the purchase of a truck chassis from Truck Country in the amount of \$64,090 and for a packer body from Elliott Equipment in the amount of \$25,277.

I. Request Approval of Airport Plan for Artwork

Presented for City Council's consideration is a request to purchase artwork for the municipal airport project. City staff has solicited information and selection of artwork for the decorating of the municipal airport. Pieces were selected by representatives of the River's Edge Gallery and by Art Center Director Barb Longtin on behalf of the City of Muscatine. A total of 22 pieces will be placed at the airport terminal and is priced at \$3,876. A narrative of those pieces has been included in Council's packet for consideration. This matter has been reviewed and approved by the Airport Advisory Commission.

At this time City Council could take action to authorize the purchase of artwork for the municipal airport in the amount of \$3,876.

J. Request Authorization to Sell City Property

Presented for City Council's consideration is a request for authorization to sell city property. Previously a public hearing was held on the proposed sale of city property involving the site known as the Lincolnshire Village City Park. The property encompasses approximately 1.65 acres of land located at the southeasterly corner of 2nd Avenue and Cleveland Street within the City of Muscatine.

At this time City Council could take action to approve the authorization to sell city property.

K. Request Approval to Enter Into Contract for Consulting Services

At the request of City Council, city staff has secured a quote to assist the city in evaluating departmental tasks including work flow analysis, managerial skill sets, and developing a more cohesive office atmosphere. Triumph Consulting has worked with the city on numerous projects and has significant background and expertise in financial and other work related task analyses. Following their analysis, a report and recommendation will be presented to the City Council for their consideration and approval.

At this time City Council could take action to approve the request for consulting services with Triumph Consulting in an amount not to exceed \$8,000.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – February 7 & 14, 2005
- B. Muscatine School Board – February 7 & 14, 2005
- C. Senior Resources – January 25, 2005
- D. Zoning Board of Adjustment – January 4, 2005
- E. Board of Water, Electric, and Communications Trustees – January 25, 2005
- F. Library Board of Trustees – January 19, 2005
- G. City of Muscatine Financial Reports – January 2005

14. APPROVAL OF BILLS

It is recommended bills totaling \$699,310.91 be approved and that the City Council authorize the Mayor and City Clerk to issue warrants for the same. It should be noted that this listing is subject to the approval of any related agenda item(s).

15. COMMUNICATIONS - COUNCIL MEMBERS

16. OTHER BUSINESS

A. Request approval to go into Closed Session to discuss pending litigation

17. ADJOURNMENT